# PATENT COOPERATION TREATY

REC'D 23 MAR 2005

**WIPO** 

PCT

INTERNATIONAL SEARCHING AUTHORITY

To:

	PC <sup>-</sup>
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WRITTEN OPINION OF THE see form PCT/ISA/220 INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43*bis*.1) Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet) Applicant's or agent's file reference FOR FURTHER ACTION see form PCT/ISA/220 See paragraph 2 below International application No. International filing date (day/month/year) Priority date (day/month/year) 05.02.2004 PCT/JP2005/001309 25.01.2005 International Patent Classification (IPC) or both national classification and IPC C07D231/20, A01N43/56

Applicant

					_
1.	This opinion conta	ains indications	relating to the	e following items	:

M Boy No 1	Racis of the opinion	

SUMITOMO CHEMICAL COMPANY, LIMITED

☑ Box No. II Priority

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability ☐ Box No. III

Lack of unity of invention ☐ Box No. IV

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial ☑ Box No. V applicability; citations and explanations supporting such statement

Certain documents cited ☑ Box No. VI

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

#### **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1 bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of malling of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:

Authorized Officer



**European Patent Office** D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465

Telephone No. +49 89 2399-2994

Gregoire, A

International application No. PCT/JP2005/001309

	Box N	lo. I	Basis of the opinion
١.	With r	egard nguag	to the language, this opinion has been established on the basis of the international application in the internation in the intern
	la	ngua	pinion has been established on the basis of a translation from the original language into the following ge , which is the language of a translation furnished for the purposes of international search Rules 12.3 and 23.1(b)).
2.	With r	egard sary t	to any nucleotide and/or amino acid sequence disclosed in the international application and to the claimed invention, this opinion has been established on the basis of:
	a. type	e of m	naterial:
	. 🗆	a se	equence listing
		tabl	e(s) related to the sequence listing
	b. forn	nat of	material:
		in w	vritten format
		in c	omputer readable form
	c. time	e of fil	ling/furnishing:
	. 🗖	con	tained in the international application as filed.
		filed	together with the international application in computer readable form.
		furn	nished subsequently to this Authority for the purposes of search.
3.	h c	as be opies	tion, in the case that more than one version or copy of a sequence listing and/or table relating thereto en filed or furnished, the required statements that the information in the subsequent or additional is identical to that in the application as filed or does not go beyond the application as filed, as priate, were furnished.
4.	Additi	onal c	comments:

International application No. PCT/JP2005/001309

	Вох	No. II	Priority			
1.	×	The fol	llowing document has n	ot bee	n furnished:	
		⊠	copy of the earlier app	lication	n whose prio	rity has been claimed (Rule 43 <i>bis</i> .1 and 66.7(a)).
		. 🛛	translation of the earlie	er appl	ication whos	e priority has been claimed (Rule 43bis.1 and 66.7(b)).
		Conse neverti	quently it has not been neless been established	possib I on th	le to conside e assumption	er the validity of the priority claim. This opinion has not that the relevant date is the claimed priority date.
2.		has be	oinion has been establis en found invalid (Rules ate indicated above is c	43bis.	1 and 64.1).	y had been claimed due to the fact that the priority claim Thus for the purposes of this opinion, the international e relevant date.
3.		a copy Search	of the earlier applicationing Authority at the time	n who e that i	se priority ha the search w	en able to consider the validity of the priority claim because is been claimed was not available to the International as conducted (Rule 17.1). This opinion has nevertheless vant date is the claimed priority date.
4.	Вох	No. V	observations, if necessary  Reasoned statemen	nt und	er Rule 43 <i>b</i>	is.1(a)(l) with regard to novelty, inventive step or
_	ind	ustrial a	applicability; citations	and e	explanations	s supporting such statement
1.	Stat	tement				
	Nov	elty (N)		Yes: No:	Cląims Claims	1-16
	lnve	entive st	tep (IS)	Yes: No:	Claims Claims	1-16
	Indu	ustrial a	pplicability (IA)	Yes: No:	Claims Claims	1-16
2.	Cita	ations ar	nd explanations			
	see	separa	ate sheet			

### Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

and /or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

### Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1) Reference is made to the following documents:

D1: EP-A-0 648 729 (SUMITOMO CHEMICAL COMPANY LIMITED) 19 April 1995 (1995-04-19)

D2: EP-A-0 376 598 (SUMITOMO CHEMICAL COMPANY, LIMITED) 4 July 1990 (1990-07-04)

### 2) Novelty (Art. 33 (1) and (2) PCT):

The present compounds differ from those of D1 in the presence of a pyrazolyl ring instead of the pyridyl ring reported therein and differ from those of D2 mainly in the position of the aryls containing chain on the pyrazole and the nature of the linkers between these aryls and the pyrazole.

The present application thus complies with Art. 33(2) PCT.

### 3) Inventive Step (Art. 33 (1) and (3) PCT) :

D1 is regarded as the closest prior art since it discloses structurally close insecticides and acaricides.

The present compounds differ from those of D1 in the presence of a pyrazolyl ring instead of a pyridyl ring.

The technical problem underlying the present application lies in the provision of further compounds active in noxious arthropod pests controlling composition.

The replacement of a pyridyl ring by a pyrazolyl ring is not suggested in D1. D2 reports pyrazole derivatives as pesticide but structurally further remote from those presently claimed so that the skilled person looking for further compounds having the desired activity would not have come to the specific compounds presently claimed. The application provides several examples showing that the compounds claimed solved the problem raised. The present application thus complies with Art. 33(1) and (3) PCT.

# WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SEPARATE SHEET)

International application No.

PCT/JP2005/001309

# Re Item VI Certain documents cited

WO 2004/085405 A (SUMITOMO CHEMICAL COMPANY, LIMITED; HASHIZUME, MASAYA; SAKAMOTO, NORIY) 7 October 2004 (2004-10-07)

This document could be highly relevant in the regional examination phase for the assessment of novelty of the intermediates and/or for the assessment of inventive step of both the intermediates and the final compound if the priority claimed was found not to be valid.

# PATENT COOPERATION TREATY

REC'D 23 MAR 2005

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From the INTERNATIONAL SEARCHING AUTHORITY

10;		POI		
see form PCT/ISA/220		WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43 <i>bis</i> .1)		
-		Date of mailing (day/month/year) see	form PCT/ISA/210 (second sheet)	
Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER A See paragraph 2 below		
International application No. PCT/JP2005/001309	International filing date (d 25.01.2005	lay/month/year)	Priority date (day/month/year) 05.02.2004	
International Patent Classification (IPC) or t C07D231/20, A01N43/56	ooth national classification a	and IPC		
Applicant SUMITOMO CHEMICAL COMPAN	IY, LIMITED			
This opinion contains indication	ons relating to the folio	owing items:		
☐ Box No. I Basis of the op	inion			
Box No. II Priority				
	,	ard to novelty, inventiv	e step and industrial applicability	
☐ Box No. IV Lack of unity of ☐ Box No. V Reasoned state		1(a)(i) with regard to	novelty inventive step or industrial	
☐ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
☑ Box No. VI Certain docum	ents cited			
	s in the international app			
☐ Box No. VIII Certain observ	ations on the internation	al application		
2. FURTHER ACTION			•	

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1 bis(b) that written opinions of this International Searching Authority will not be so considered.

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For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:

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<u>)</u>

European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465

Gregoire, A

Telephone No. +49 89 2399-2994



International application No. PCT/JP2005/001309

_	Box	No	. I Basis of the opinion
1.	With the la	re ano	gard to the <b>language</b> , this opinion has been established on the basis of the international application in guage in which it was filed, unless otherwise indicated under this item.
		lan	is opinion has been established on the basis of a translation from the original language into the following guage , which is the language of a translation furnished for the purposes of international search ider Rules 12.3 and 23.1(b)).
2.	With nece	re	gard to any <b>nucleotide and/or amino acid sequence</b> disclosed in the international application and ary to the claimed invention, this opinion has been established on the basis of:
	a. ty	pe	of material:
		)	a sequence listing
		]	table(s) related to the sequence listing
	b. fo	rm	at of material:
		]	in written format
		]	in computer readable form
	c. tin	ne	of filing/furnishing:
		<u></u>	contained in the international application as filed.
		3	filed together with the international application in computer readable form.
		]	furnished subsequently to this Authority for the purposes of search.
3.		ha	addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto s been filed or furnished, the required statements that the information in the subsequent or additional pies is identical to that in the application as filed or does not go beyond the application as filed, as propriate, were furnished.
4.	Addi	itio	nal comments:

International application No. PCT/JP2005/001309

_	Box	c No. II	Priority	· · · · · · · · · · · · · · · · · · ·		
1.	×	The fol	lowing document ha	as not bee	n furnished	ed:
		$\boxtimes$	copy of the earlier	application	n whose pi	riority has been claimed (Rule 43bis.1 and 66.7(a)).
	•	$\boxtimes$	translation of the e	arlier appl	ication who	nose priority has been claimed (Rule 43bis.1 and 66.7(b)).
		Consecutive Consec	quently it has not be neless been establis	en possib hed on th	le to consi e assumpt	ider the validity of the priority claim. This opinion has tion that the relevant date is the claimed priority date.
2.		has be	oinion has been esta en found invalid (Ru ate indicated above	ıles 43 <i>bis</i> .	1 and 64.1	ority had been claimed due to the fact that the priority claim  1). Thus for the purposes of this opinion, the international the relevant date.
3.		a copy Search	of the earlier applic sing Authority at the	ation who	se priority the search	been able to consider the validity of the priority claim because has been claimed was not available to the International was conducted (Rule 17.1). This opinion has nevertheless elevant date is the claimed priority date.
4.	Add	litional c	bservations, if nece	essary:		
		••		*		
		k No. V ustrial a	Reasoned state	ment und	er Rule 43 explanatio	3 <i>bis</i> .1(a)(i) with regard to novelty, inventive step or one supporting such statement
1.	•	tement				
	Nov	elty (N)		Yes: No:	Claims Claims	1-16
	Inve	entive st	tep (IS)	Yes: No:	Claims Claims	1-16
	Indi	ustrial a	pplicability (IA)	Yes: No:	Claims Claims	1-16
2.	Cita	ations ai	nd explanations			
	see	separa	ate sheet			
_	Bo	x No. V	Certain docume	nts cited		

- Certain published documents (Rules 43bis.1 and 70.10)
  - and to

and /or

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see form 210

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# International application No.

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